THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.19848 OF 2006

DATED 15-12-2006

Between:

Mr. Mohammed Jaffer

.. Petitioner

And

The Station House Officer, Moinabad Police Station, Ranga Reddy District and others

.. Respondents

THE HONOURABLE SRI JUSTICE GODA RAGHURAM

W.P.NO.19848 OF 2006

Oral Order:

The writ petition is filed alleging that the inaction of the respondents is illegal and violative of petitioner's rights under Article 300-A and 31 of the Constitution for failing to protect his agricultural land from land grabbers.

The petitioner was allotted agricultural land of an extent of Ac.3-00 gts. in Sy.No.1-AA of Kethireddypally village, Ranga Reddy district under a patta certificate dated 07-06-1989. Since 12-09-2003, some locals of the village are stated to have occupied his land. The petitioner submitted a complaint to the 1st respondent on which no action was taken. He then filed OS.No.131 of 2003 on the file of the Junior Civil Judge's Court, Chevella, Ranga Reddy District which was decreed on 24-11-2003 granting perpetual injunction against the defendants therein. Thereafter, the petitioner alleges, others in the village at the instigation of certain persons inimical to the petitioner are cremating dead bodies in the land. Instead of cremating the bodies in the place earmarked for the purpose, the bodies are cremated in the petitioner's land, is the complaint. He lodged a general complaint and made representations to the respondents to this effect, but there was no response. He has also made a complaint to the police against specific persons who have tried to encroach upon his land and the same was registered as Crime No.150 of 2006 on 19-07-2006 against three individuals namely Krishna Reddy, Sudhakar Reddy and Prabhakar Reddy under Sections 447 and 427 of IPC.

The above are general and vague complaints in the writ petition. The pleadings in the writ petition are breezy and non-specific. If it is the petitioner's grievance that the Kethireddipally Grampanchayat has abdicated its statutory responsibilities or obligations, the petitioner is required to specify what obligations are owned by the Grampanchayat

and under what provision of law. In any event the petitioner should first make a demand on the Grampanchayat to exercise its statutory powers and on the Grampanchayat failing to so exercise its statutory obligations despite demand; the petitioner can seek mandamus. If it is the petitioner's grievance that the burying of dead bodies by villagers in a land not earmarked for the said purpose is violative of any provision of the Grampanchayat Act, even so the petitioner should first make a complaint with Grampanchayat and call upon the Grampanchayat either to earmark this land for burying the dead bodies or to prevent the burial of dead bodies in an area not so earmarked and on refusal or inaction by the Grampanchayat, he could move this Court or move the Civil Court for appropriate injunctive relief against the Grampanchayat. Mere setting out a litany of grievances by way of an affidavit would not entitle the petitioner for relief. There are no merits in the writ petition.

The writ petition is dismissed. In the circumstances, no order as to costs.

GODA RAGHURAM, J

15th December, 2006
TSNR/IBL